



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, APRIL 19, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:03 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. G. H. Jones and Mr. Don Maxwell (Parliamentarian).

Commission members absent were: Mr. Michael Parks.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Julie Fulgham, Staff Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

Commissioner Horton filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #8, Rezoning RZ07-17. Commissioner Horton will not participate in deliberation or voting on this agenda item.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from the workshop and regular meetings on March 22, 2007.

B. Approval of minutes from the workshop and regular meetings on April 5, 2007.

C. CONSIDERATION – Final Plat FP07-00

J. Fulgham

Proposed final plat of Texas Commercial Subdivision, being 34.775 acres located off of F.M. 2818 (North Harvey Mitchell Parkway) in Bryan, Brazos County, Texas.

Commissioner Jones moved to approve the Consent Agenda. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF RESUBDIVISIONS

5. PUBLIC HEARING/CONSIDERATION – Replat RP07-06

R. Haynes

Proposed replat of Lot 1R in Block 2 of Ramsey Place Addition, being 4.74 acres of land at the intersection of South Texas and North Avenues in Bryan, Brazos County Texas.

Mr. Randy Haynes, Staff Planner presented a staff report (on file in the Development Services Department). Mr. Randy Haynes advised the Commission that the applicant has requested to replat 4.74 acres which comprise Lot 1R, Block 2 of Ramsey Place Subdivision. The applicant wishes to divide the property in order to sell 1.06 acres. Staff recommends approving this request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Beckendorf moved to approve Replat RP07-06, as requested. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF CONDITIONAL USE PERMITS (Commission has final approval; appeals may be directed to City Council.)

6. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-01

J. Fulgham

A request for approval of a Conditional Use Permit to allow an office-showroom/warehouse use in a Retail District (C-2) on property at 3125 South Texas Avenue, Suite 1700, occupying Lot 1 of the Tejas Center Subdivision in Bryan, Brazos County, Texas.

Ms Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham advised the Commission that the subject property is currently occupied by a vacant commercial building, formally the home of Wal-Mart. The proponents are requesting a Conditional Use Permit to allow an office-Showroom/Warehouse type use. This is a speculative Conditional Use Permit request. The applicants are requesting this because using the building as “office-showroom/warehouse” will provide a better compliment to the existing retail center, and is the building’s highest and best use. Staff recommends approving this Conditional Use Permit.

Responding to questions from the Commission, staff advised that the applicant has agreed to angle the parking area near the drive aisle to promote public safety by eliminating cars “backing-out” into traffic traveling in the opposite direction. By angling this existing parking, potential point-of-conflicts are reduced. Staff added that 5 handicapped parking spaces are being provided.

The public hearing was opened.

Mr. Brooks, of 3403 Parkway Terrace, Bryan, Texas came forward to inquire about trucks parking in the parking lot overnight.

Staff advised that there are 4 loading docks for the trucks to back into and that parking trucks in the parking lot closest to Texas Avenue is not permitted.

Responding to questions from the Commission, staff advised that the proposed use is believed to be compatible with existing commercial uses in the area, in terms of use, bulk and scale, setbacks and open spaces, landscaping, drainage or access and circulation features. The existing building will be relatively unchanged while the site will incur minor improvements with this redevelopment.

The public hearing was closed.

Commissioner Beckendorf moved to approve Conditional Use Permit CU07-01, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion.

Commissioner Clark stated that he does not feel the need to add any conditions, in this particular case.

The motion passed with a unanimous vote.

7. PUBLIC HEARING/CONSIDERATION – Conditional Use Permit CU07-02

J. Fulgham

A request for approval of a Conditional Use Permit to legitimize previous construction of two accessory dwelling units on a lot in a Residential District – 5000 (RD-5) on property at 1304 Beck Street, occupying Lot 2 in Block 5 of Stephen F. Austin Survey in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner presented a staff report (on file in the Development Services Department). Ms. Fulgham advised that the subject property is located in a Residential District – 5000

(RD-5). Earlier this year, the applicant was cited by the Code Enforcement Department for converting a tool shed into an accessory dwelling near the rear (north) property line without the necessary building permits as well as a site plan and Condition Use approvals by the City. During there site visit, staff discovered that on this same property, a garage near the west side property line had also been converted to an accessory dwelling, without the necessary building permits as well as site plan and Conditional Use approval. Staff recommends approving a Conditional Use Permit to legitimize only one accessory dwelling on the subject property. In addition, staff recommends that the installation of two additional paved off-street parking spaces be required on the subject property to provide adequate off-street parking for this additional dwelling.

Responding to questions from the Commission, staff stated that the additional parking would be east of the main house and that staff objects to 3 dwelling units on a lot that is in a Residential District – 5000 (RD-5).

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to approve Conditional Use Permit CU07-02, to legitimize one accessory dwelling on the property, accepting the findings of staff and subject to the condition that two additional paved off-street parking spaces are provided on the property. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion.

Commissioner Clark remarked that he feels that the Commission should not legitimize the illegal conversion of accessory structures to dwelling units.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

Chairperson Hughes advised that Commissioner Horton has filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following regular agenda item #8, Rezoning RZ07-17. Commissioner Horton will not participate in deliberation or voting on this agenda item

8. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-17

R. Haynes

A request to change the zoning classification from Residential District – 5000 (RD-5) to Residential - Neighborhood Conservation District (R-NC) on all lots in the Forest Oaks Subdivision in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner presented a staff report (on file in the Development Services Department). Mr. Randy Haynes advised the Commission that the property owners within Forest Oaks have submitted a complete petition for a City-initiated zoning change from RD-5 to R-NC on 3

lots in this subdivision. Staff recommends approving R-NC zoning for all eligible lots in this subdivision phase.

Responding to a question from the Commission, staff replied it is unknown how this three-lot subdivision came about.

The public hearing was opened.

Ms. Ira Pennell, of 3506 Old Oaks, Bryan, Texas advised the Commission that the three lots were created as the result of a land-for-building exchange between a landowner and a home builder.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ07-17, as requested, accepting the findings of staff. Commissioner Bond seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

9. COMMISSION CONCERNS

There were none.

10. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 6:47 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the 3rd day of May, 2007.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission